Department of Planning and Development Planning Office

County Government Center, East Wing, 7th Floor 70 West Hedding Street San Jose, California 95110-1705 (408) 299-5770 FAX (408) 288-9198 www.sccplanning.org



March 14, 2016

John Baty City of Morgan Hill Community Development Department, Planning Division 17575 Peak Avenue Morgan Hill, CA 95037

Comments regarding the Draft Environmental Impact Report for the Morgan Hill 2035 General Plan Update (HST)

Dear Mr. Baty:

Please find enclosed comments from the County regarding the Draft Environmental Impact Report (DEIR) for the Morgan Hill 2035 General Plan Update. Our submittal includes comments from the Departments of Planning and Development, Parks and Recreation and Roads and Airports.

The attached comments outline several concerns the County has with the 2035 General Plan Update and associated DEIR.

If you have any questions regarding planning comments or coordination of comments on the Revised Draft Program EIR from the County, please contact Planning Manager Rob Eastwood at (408) 299-5792 in the County Department of Planning and Development. Feel free to contact Hanna Cha at (408) 355-2238 in the Department of Parks and Recreation, and Aruna Bodduna at (408) 573-2462 in County Roads and Airports with questions specific to their comments.

Sincerely,
Kirk Duard

Kirk Girard Director

cc:

Supervisor Mike Wasserman, District 1 Board of Supervisors Sylvia Gallegos, Deputy County Executive

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Department of Planning and Development

County Government Center, East Wing 70 West Hedding Street, 7th Floor San Jose, California 95110



Administration	Building Inspection	Fire Marshal	Land Development	Planning	
Ph: (408) 299-6740 Fax: (408) 299-6757	(408) 299-5700 (408) 279-8537	(408) 299-5760 (408) 299-6757	Engineering (408) 299-5730 (408) 279-8537	(408) 299-5770 (408) 288-9198	

Comments from the Department of Planning & Development regarding the Morgan Hill 2035 General Plan Update ("2035 Plan") and associated Draft Environmental Impact Report (DEIR).

Part I – Comments on the 2035 General Plan Update

The County commends the City of Morgan Hill ("The City") on removing the designation of an Urban Limit Line (ULL) and related policy concepts from its General Plan. This previous ULL designation was confusing with respect to its relationship with the City's Urban Service Area (USA) and Urban Growth Boundary (UGB).

The County encourages the City to include a paragraph and policies to the effect that USAs and UGBs, where UGBs adopted, are part of a longstanding countywide system of urban growth management, built on jointly-adopted policies in effect for over 40 years, to effectively limit urban sprawl, promote managed, balanced urban growth, with cities responsible for planning and accommodating urban growth and development, and the County being primarily responsible for responsible resource conservation, open space, and rural character preservation of lands outside USAs not intended to become part of the urbanized area.

Under the proposed 2035 Plan, original policy language tying major modifications of UGB to comprehensive general plan updates would be eliminated. The County strongly discourages the City from taking this approach. Such decisions should not be made on annual basis, and given that Morgan Hill often updates its general plan on a 10+ year basis, tying UGB to General Plan (GP) updates is not unreasonable.

The 2035 Plan includes a proposed Transfer of Development Rights ("TDR") program in association with development of a 50 acre parcel owned by the Chiala Family for residential development. Under this TDR proposal, development of residential lots within this TDR area would fund the purchase of conservation easements on approximately 211 acres of agricultural land in the unincorporated County. The County is currently starting work on preparing a Sustainable Agricultural Lands Policy Framework for Southern Santa Clara County ("Framework"), funded in part by a grant from the California Department of Conservation. As part of this framework, the County intends to identify and implement policy tools to ensure long term preservation of agriculture and the farming industry in Southern Santa Clara County. The use of TDR's is one tool that could be used within this program. While the proposed Chiala TDR is a good first step at demonstrating how TDR's can be used as an effective policy tool to

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian **County Executive**: Jeffrey V. Smith

convert preserved development rights on agricultural lands into higher urban residential density, the County encourages the City to wait on implementing a TDR program until the County's Framework has been prepared. While the City's TDR program could be compatible with this future Framework, the County is concerned the TDR program is occurring in advance of the Framework and thus could be potentially in conflict with the Framework.

The City should provide for additional development potential in selected areas such as Downtown, transit corridors, or other specially designated areas such as Priority Development Areas ("PDA's") to receive development rights potentially transferred through future open space and agricultural preservation programs, without necessitating voter approval or general plan amendments.

The County encourages the City to adopt policies to annex unincorporated lands in Holiday Lake Estates, areas that are already within city USA within first 5 years of General Plan adoption.

The Healthy community sections of the 2035 Plan are appropriate but could do more to correlate sound urban planning, age- and child-friendly communities, and other subjects with improved health outcomes, in order to make explicit the link between the two.

The 2035 Plan Transportation element envisions widening of 101 to 8 full travel lanes to accommodate projected traffic demand through 2035. Such widening projects seem unlikely, and will be challenging to coordinate with other jurisdictions, VTA, state and federal agencies, much less fund. Consider augmenting policies with assistance from VTA regarding the most appropriate means of achieving GHG reductions and managing travel demand, including high occupancy lanes, and other possibly strategies, rather than merely relying on increased capacity.

The 2035 Plan policies regarding use and purposes of greenbelts state purposes including greenbelt separation of Morgan Hill and San Martin, but maps show no areas designated or intended to serve such purposes in the area of interface between the city and San Martin.

Part II – Comments on the Draft EIR

Executive Summary Table

Table 1-1 does not contain the impacts and summary for greenhouse gas emissions and should be revised to include this resource topic.

Project Description

The project description and all related environmental analysis in the DEIR should be revised to reflect that on March 11, 2016 LAFCO denied the City's request for an expansion of the Urban Service Area, including the Southeast Quadrant.

Agricultural Resources

On Page 4.2-15 (2nd paragraph), it is noted that although development under the Southeast Quadrant (SEQ) Land Use Plan is anticipated, development has not yet occurred. Here it should also be noted that although the Morgan Hill has approved a Land Use Plan for this area, on March 11 LAFCO denied the expansion of the Urban Service Area.

On Page 4.2-17, the DEIR concludes that the mitigation measure "Designation of Agricultural Land with Open Space or Rural County Designation" is infeasible because it would create increasing conflicts between residential and agricultural uses and result in increasing pressure on existing agricultural operations. It is true that County General Plan designations, such as *Agriculture, Medium Scale*, allows development of a single residence on a legal parcel, and this development can impact agricultural operations. In rural areas, it is standard planning practice to allow an owner or caretaker to live on agricultural property. It is also not unusual for these properties to have agricultural employee housing. In fact, this ancillary land use often supports the economic viability of agricultural use of such properties. While the County is evaluating if County land use ordinances should be modified to moderate the potential negative effects of residences on agriculture, the County cannot support the City's contention that maintaining the County rural land use designations is an infeasible mitigation measure.

Alternatives

The DEIR states on page 6-14 (first paragraph) that the No Project Alternative would allow development that could result in potentially incompatible urban uses next to farms or ranches, referencing rural residential development. However, under County land use policies, these residential uses are not urban uses but rural uses that are ancillary to agriculture uses (e.g., owner living on farm, caretaker or agricultural worker housing) that support the economic viability of agricultural. In addition, the Transfer of Development Rights system that the City is proposing is not in place and may not be feasible. Therefore, the County disputes the conclusion in Table 6-2 (page 6-10) that the No Project Alternative would represent a "slight deterioration compared to the proposed project" on the topic of Agriculture and Forestry Resources. On the contrary, the No Project Alternative would be a substantial improvement compared to the proposed project as it would not allow urban uses.

The DEIR states on page 6-66 that the Compact Development Alternative would meet all project objectives except Objective #6: "Support a diverse local economy and an expanded tax base by preserving our existing job-generating land." However, LAFCO has determined that the City has 45 years of vacant commercial and 27-67 years of vacant industrial lands within its boundaries which allow for development (February 15 LAFCO staff report for "Area 1: Tennant-Murphy Morgan Hill Urban Service Area Amendment 2015"). Therefore, the Compact Development Alternative, which the DEIR concludes is the Environmentally Superior Alternative, actually meets all of the objectives of the proposed project.

Roads and Airports Department

101 Skyport Drive San Jose, California 95110-1302 1-408-573-2400



March 10, 2016

John Baty, Senior Planner Community Development Department – Planning Division City of Morgan Hill 17575 Peak Avenue Morgan Hill, CA 95037

SUBJECT: Notice of Availability of Draft Environmental Impact Report

The Morgan Hill 2035 Project

Dear Mr. Baty:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review to the draft environmental impact report (DEIR) and is submitting the following comments.

• Page 4.14-55 of the DEIR, Mitigation Measure TRAF-1B states:

"The City of Morgan Hill shall install a signal at the intersection of Tennant Avenue and Murphy Avenue or install a different, equally effective measure to reduce delays at the intersection. With this improvement, the project impact is less than significant."

The County concurs with the proposed traffic signal mitigation measure at this intersection. Please work with County staff on the implementation of the mitigation measure when ready. Because of the close proximity of this location to US 101 northbound ramps, signal coordination may be required.

• When individual development projects are to move forward, please provide a Transportation Impact Analysis (TIA) for these projects. The TIAs should be prepared following the latest adopted Congestion Management Program (CMP) TIA Guidelines to identify significant impacts. The preliminary Circulation and Mobility Plan should be consulted for a list of mitigation measures for significant impacts to the County roadways. Should the Circulation and Mobility Plan list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

Morgan Hill 2035 Project March 10, 2016 Page 2 of 2

If you have any questions about these comments, please contact Aruna Bodduna at 408-573-2462 or at aruna.bodduna@rda.sccgov.org.

Sincerely,

Aruna Bodduna

Associate Transportation Planner

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cc: MA, AP, DSC

Parks and Recreation Department

298 Garden Hill Drive Los Gatos, California 95032-7669 (408) 355-2200 FAX 355-2290 Reservations (408) 355-2201 www.parkhere.org



February 24, 2016

Mr. John Baty City of Morgan Hill Community Development Department – Planning Division 17575 Peak Avenue Morgan Hill, CA 95037

SUBJECT: Draft Environmental Impact Report for the Morgan Hill 2035 Project

Dear Mr. Baty:

The County of Santa Clara, Parks and Recreation Department, is submitting the following comments on the Draft Environmental Impact Report (DEIR) for the Morgan Hill 2035 Project. The County Parks Department's comments are primarily focused on potential impacts related to the Santa Clara County Countywide Trails Master Plan Update relative to countywide trail routes, public access, and regional parks.

Relationship to the Santa Clara County Countywide Trails Master Plan Update
The DEIR listed several of the major trails found in the Countywide Trails Master Plan Update.
The following are additional trail routes found within the vicinity of the Project's Sphere of Influence. The DEIR should describe these countywide trail routes and evaluate the potential impacts to these trails as a result of the project.

- Juan Bautista de Anza NHT (Route R1-A) designated as an on-street bicycle route with parallel trail; route within road right-of-way.
- **Benito Clara Trail** (Route R3) designated as a trail route within other public lands for hiking, off-road cycling and equestrian. (Already noted in Traffic & Transportation Chapter.)
- Bay Area Ridge Trail: El Sombroso Lake Anderson (Route R5-D) designated as a trail route within other public lands for hiking, off-road cycling and equestrian.
- West Valley Sub-regional Trail (Route S6) designated as a trail route within other public lands for hiking, off-road cycling and equestrian.

- Willow Springs Connecting Trail (Route C24) designated as an on-street bicycle route within road right-of-way.
- Main Street Connecting Trail (Route C25) designated as an on-street bicycle route with parallel trail; route within road right-of-way. (Already noted in Traffic & Transportation Chapter.)
- Paradise Valley Connecting Trail (Route C26) designated as an on-street bicycle route within road right-of-way. (Already noted in Traffic & Transportation Chapter.)
- San Martin South Valley Connecting Trail (Route C27) designated as an onstreet bicycle route with parallel trail; route within road right-of-way. (Already noted in Traffic & Transportation Chapter.)
- Center Ave Trail (Route C27) designated as an on-street bicycle route with parallel trail; route within road right-of-way.

Section 4.13.5 Parks and Recreation

Cumulative Impact PS-12: Implementation of the proposed Project would not contribute to cumulative parks and recreation impacts in the area.

"Future growth in the county would result in increased demand for park and recreational facilities throughout the county. As a result, the County would potentially need to expand and construct additional parks and other recreational facilities to meet the increased demand."

The County Parks Department has concerns regarding the analysis of the impacts of the proposed project within the City of Morgan Hill described as suggesting the County would need to expand its park system. The County Parks Department recommends that this section be reworded to the following:

Future growth in the county would result in increased demand for park and recreational facilities throughout the Santa Clara County county, including the City of Morgan Hill. As a result, the County City of Morgan Hill would potentially need to expand and construct additional parks and other recreational facilities partner with other regional park providers, such as the County of Santa Clara Parks and Recreation Department, to expand and construct additional parks and other recreational facilities in Santa Clara County and the City of Morgan Hill to meet the increased demand.

Section 4.14 Traffic and Transportation

County Parks Department encourages that while implementing the planned road improvements, the Project should also plan to implement proposed local and regional trails concurrently. The Draft EIR should include an analysis of the potential traffic and circulation conflicts and proprunities to the regional trail routes and incorporate mitigations where appropriate.

Thank you for the opportunity to provide comments on the Draft EIR. Please add the County Parks Department to your distribution list for the Final EIR notification. If you have additional questions, please call me at (408) 355-2228 or e-mail me at Hannah.Cha@prk.sccgov.org.

Sincerely,

Hannah Cha

Provisional Planner II

CC:

Kimberly Brosseau, Acting Principal Planner, County Parks Department

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